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Title: Secretary-General repoted a message from Rajya Sabha that Rajya Sabha passed the Lokpal and Lokayuktas Bill, 2011, passed by the Lok Sabha on the 27th December, 2011 with amendments.

...(*Interruptions*)

SECRETARY-GENERAL: Madam, I have to report the following message received from the Secretary-General of Rajya Sabha:-

'I am directed to inform the Lok Sabha that the Lokpal and Lokayuktas Bill, 2011, which was passed by the Lok Sabha at its sitting held on the 27th December, 2011, has been passed by the Rajya Sabha at its sitting held on the 17th December, 2013, with the following amendments:-

ENACTING FORMULA

1. That at page 2, line 1, ***for*** the word "Sixty-second", the word "Sixty-fourth" be ***substituted***.

CLAUSE 1

2. That at page 2, line 4, ***for*** the figure "2011" the figure "2013" be ***substituted***.

3. That at page 2, ***for*** lines 7 to 12, the following be ***substituted***, namely;-

"(*4*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.".

CLAUSE 3

4. That at page 4, line 32, ***for*** the word "connected" the word "affiliated" be ***substituted***.

CLAUSE 4

5. That at page 5, ***for*** line 3, the following be ***substituted***, namely;-

"(*e*) one eminent jurist, as recommended by the chairperson and members referred to in clauses (*a*) to (*d*) above, to be nominated by the Presidentâ€"member.".

CLAUSE 14

6. That at page 8, line 34, the words "or aided" be ***deleted***.

7. That at page 8, ***for*** lines 36 to 42, the following be ***substituted***, namely;-

"(*h*) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not) in receipt of any donation from any foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of ten lakh rupees in a year or such higher amount as the Central Government may, by notification, specify. 42 of 2010.

CLAUSE 20

8. That at page 10, ***for*** lines 16 to 20, the following be ***substituted***, namely;-

"**20.** (*1*) The Lokpal on receipt of a complaint, if it decides to proceed further, may order−−

(*a*) preliminary inquiry against any public servant by its Inquiry Wing or any agency (including the Delhi Special Police Establishment) to ascertain whether there exists a prima facie case for proceeding in the matter; or

(*b*) investigation by any agency (including the Delhi Special Police Establishment) where there exists a *prima facie* case:

9. That at page 10, ***after*** line 31, the following proviso be ***inserted***, namely;-

"Provided also that before ordering an investigation under clause (b), the Lokpal shall call for the explanation of the public servant so as to determine whether there exists a *prima facie* case for investigation:

Provided also that the seeking of explanation from the public servant before an investigation shall not interfere with the search and seizure, if any, required to be undertaken by any agency (including the Delhi Special Police Establishment) under this Act.".

10. That at page 10, line 42, the word "to" be ***deleted***.

11. That at page 11, lines 7 and 8, the words "and submit the investigation report containing its findings to the Lokpal" be ***deleted***.

12. That at page 11, line 9, ***after*** the words "by a further", the word "period" be ***inserted***.

13. That at page 11, lines 13 and 14, ***for*** the words "to the Lokpal", the words "under that section to the court having jurisdiction and forward a copy thereof to the Lokpal." be ***substituted***.

14. That at page 11, line 17, ***for*** the words "may decide to", the words "and after obtaining the comments of the competent authority and the public servant may" be ***substituted***.

15. That at page 11, ***for*** lines 18 and 19, the following be ***substituted***, namely;-

"(*a*) grant sanction to its Prosecution Wing or investigating agency to file charge-sheet or direct the closure of report before the Special Court against the public servant;".

16. That at page 11, line 20, ***for*** the words "initiate the", the words "direct the competent authority to initiate the" be ***substituted***.

17. That at page 11, line 21, the words "by the competent authority" be ***deleted***.

18. That at page 11, line 23, ***after*** the words "Prosecution Wing", the

words and bracket "or any investigating agency (including the Delhi Special Police Establishment)" be ***inserted***.

19. That at page 11, line 23, ***for*** the word "any", the word "the" be ***substituted***.

20. That at page 11, lines 24 and 25, the words and bracket "(including the Delhi Special Police Establishment)" be ***deleted***.

CLAUSE 23

21. That at page 12, ***for*** lines 6 to 18, the following be ***substituted***, namely;-

"**23.** (*1*) Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 or section 6A of the Delhi Special Police Establishment Act, 1946 or section 19 of the Prevention of Corruption Act, 1988, the Lokpal shall have the power to grant sanction for prosecution under clause (*a*) of sub-section (*7*) of section 20. Power of Lokpal to grant sanction for initiating prosecution.

2 of 1974.
25 of 1946.
49 of 1988.

(*2*) No prosecution under sub-section (*1*) shall be initiated against any public servant accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, and no court shall take cognizance of such offence except with the previous sanction of the Lokpal."

CLAUSE 25

22. That at page 12, line 34, ***for*** the words "and direction, over", the words "over, and to give direction to," be ***substituted***.

23. That at page 13, ***after*** line 4, the following be ***inserted***, namely;-

"(3) Any officer of the Delhi Special Police Establishment investigating a case referred to it by the Lokpal, shall not be transferred without the approval of the Lokpal.

(4) The Delhi Special Police Establishment may, with the consent of the Lokpal, appoint a panel of Advocates, other than the Government Advocates, for conducting the cases referred to it by the Lokpal.

(5) The Central Government may from time to time make available such funds as may be required by the Director of the Delhi Special Police Establishment for conducting effective investigation into the matters referred to it by the Lokpal and the Director shall be responsible for the expenditure incurred in conducting such investigation.".

CLAUSE 37

24. That at page 16, ***for*** lines 20 to 25, the following be ***substituted***, namely:-

"Supreme Court, on a reference being made to it by the President on a petition signed by at least one hundred Members of Parliament.".

25. That at page 16, line 30, ***after*** the word, bracket and figure "sub-section (2)", the words ",on receipt of the recommendation or interim order made by the Supreme Court in this regard" be ***inserted***.

26. That at page 16, line 31, ***after*** the words "receipt of the", the word "final" be

inserted.

CLAUSE 46

27. That at page 19, ***for*** lines 32 and 33, the following be ***substituted***, namely:-

"*Explanation*.â€"For the purpose of this sub-section, the expression —good faith‖ means any act believed or done by a person in good faith with due care, caution and sense of responsibility or by mistake of fact believing himself justified by law under section 79 of the Indian Penal Code.".

CLAUSE 63

28. That at pages 22 and 23, ***for*** clause 63, the following be ***substituted***, namely:-

"PART III

ESTABLISHMENT OF THE LOKAYUKTA

63. Every State shall establish a body to be known as the Lokayukta for the State, if not so established, constituted or appointed, by a law made by the State Legislature, to deal with complaints relating to corruption against certain public functionaries, within a period of one year from the date of commencement of this Act." Establishment of Lokayukta.

OMISSION OF CLAUSES 64 to 97

29. That at pages 23 to 35, clauses 64 to 97 be ***deleted***.

THE SCHEDULE

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30. That at page 36, line 9, ***for*** the figure "2011", the figure "2013" be ***substituted***.

31. That at page 36, ***after*** line 21, the following be ***inserted***, namely;-

"**2.** After section 4B, the following section shall be inserted, namely:â€" Insertion of new section 4BA.

"4BA. (*1*) There shall be a Directorate of Prosecution headed by a Director who shall be an officer not below the rank of Joint Secretary to the Government of India, for conducting prosecution of cases under this Act. Director of Prosecution.

(*2*) The Director of Prosecution shall function under the overall supervision and control of the Director.

(*3*) The Central Government shall appoint the Director of Prosecution on the recommendation of the Central Vigilance Commission.

(*4*) The Director of Prosecution shall notwithstanding anything to the contrary contained in the rules relating to his conditions of service, continue to hold office for a period of not less than two years from the date on which he assumes office.".

32. That at page 37, line 12, ***for*** the figure "2011", the figure "2013" be ***substituted***.

33. That at page 37, line 17, ***for*** the figure "2011", the figure "2013" be ***substituted***.

34. That at page 37, line 23, ***for*** the figure "2011", the figure "2013" be ***substituted***.

35. That at page 37, line 27, ***for*** the figure "2011", the figure "2013" be ***substituted***.

36. That at page 38, line 13, ***for*** the figure "2011", the figure "2013" be ***substituted***.'

2. Madam, I lay on the Table the Lokpal and Lokayuktas Bill, 2011 as returned by Rajya Sabha with amendments made on the 17th December, 2013.

...(*Interruptions*)

11.02 hrs

At this stage, Shri M. Venugopala Reddy, Shri Y.S. Jagan Mohan Reddy, Shri Shailendra Kumar and some other hon. Members came and stood on the floor near the Table.

...(*Interruptions*)